

AMENDED IN SENATE APRIL 18, 2005

SENATE BILL

No. 1100

Introduced by Senator Perata

February 22, 2005

An act to ~~add Section 56131.8 to~~ *amend Sections 56661 and 56668* of the Government Code, relating to local agency formation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1100, as amended, Perata. Local agency formation commissions.

Existing law requires the executive officer of the local agency formation commission to notify *by mail* the Director of ~~the State Department of Parks and Recreation~~ *Forestry and Fire Protection* when an application is made or when the commission initiates a *proposal* for a change of organization or reorganization ~~concerning a recreation and park district~~. Existing law permits the director to comment on the proposal within 60 days of receipt of notification and requires the commission to consider all the comments of the director in making its decision on the change of organization or reorganization *includes the formation of, or annexation of territory to, a fire protection district and all or part of the affected territory has been classified as a state responsibility area*.

This bill *instead* would ~~similarly~~ require the executive officer to notify the ~~State Board~~ *Director* of Forestry and Fire Protection ~~upon the filing of an application for~~ *if a proposal for* a change of organization or reorganization of a city or special district that provides or would provide structural fire protection services where the affected territory is a state responsibility area, ~~permit the board to comment on the proposal within 60 days, and require the commission to consider all the comments from the board~~.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Existing law specifies some of the factors to be considered by the commission in the review of a proposal, including the comments of any affected local agency.

This bill would also require consideration of the comments of any affected public agency.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 56661 of the Government Code is
2 amended to read:
3 56661. To the extent that the commission maintains an
4 Internet Web site, notice of all public hearings shall be made
5 available in electronic format on that site. The executive officer
6 shall also give mailed notice of any hearing by the commission,
7 as provided in Sections 56155 to 56157, inclusive, by mailing
8 notice of the hearing or transmitting by electronic mail, if
9 available to the recipient, to all of the following persons and
10 entities:
11 (a) To each affected local agency by giving notice to the
12 legislative body and the executive officer of the agency.
13 (b) To the proponents, if any.
14 (c) To each person who has filed a written request for special
15 notice with the executive officer.

1 (d) If the proposal is for any annexation or detachment, or for
2 a reorganization providing for the formation of a new district, to
3 each city within three miles of the exterior boundaries of the
4 territory proposed to be annexed, detached, or formed into a new
5 district.

6 (e) If the proposal is to incorporate a new city or for the
7 formation of a district, to the affected county.

8 ~~(f) If the proposal includes the formation of, or annexation of~~
9 ~~territory to, a fire protection district formed pursuant to the Fire~~
10 ~~Protection District Law of 1987, Part 3 (commencing with~~
11 ~~Section 13800) of Division 12 of the Health and Safety Code,~~
12 ~~and all or part of the affected territory has been classified as a~~
13 ~~state responsibility area, to a change of organization or~~
14 ~~reorganization of a city or special district that provides or would~~
15 ~~provide structural fire protection services where the affected~~
16 ~~territory is a state responsibility area, as determined pursuant to~~
17 ~~Article 3 (commencing with Section 4125) of Chapter 1 of Part 2~~
18 ~~of Division 4 of the Public Resources Code, to the Director of~~
19 ~~Forestry and Fire Protection.~~

20 (g) If the proposal would result in the annexation to a city of
21 land that is subject to a contract executed pursuant to the
22 Williamson Act (Chapter 7 (commencing with Section 51200) of
23 Division 1), to the Director of Conservation.

24 (h) To all landowners within the affected territory pursuant to
25 the provisions of subdivision (d) of Section 56157.

26 (i) To all registered voters within the affected territory
27 pursuant to the provisions of subdivision (f) of Section 56157.

28 SEC. 2. Section 56668 of the Government Code is amended to
29 read:

30 56668. Factors to be considered in the review of a proposal
31 shall include, but not be limited to, all of the following:

32 (a) Population and population density; land area and land use;
33 per capita assessed valuation; topography, natural boundaries,
34 and drainage basins; proximity to other populated areas; the
35 likelihood of significant growth in the area, and in adjacent
36 incorporated and unincorporated areas, during the next 10 years.

37 (b) Need for organized community services; the present cost
38 and adequacy of governmental services and controls in the area;
39 probable future needs for those services and controls; probable
40 effect of the proposed incorporation, formation, annexation, or

1 exclusion and of alternative courses of action on the cost and
2 adequacy of services and controls in the area and adjacent areas.

3 “Services,” as used in this subdivision, refers to governmental
4 services whether or not the services are services which would be
5 provided by local agencies subject to this division, and includes
6 the public facilities necessary to provide those services.

7 (c) The effect of the proposed action and of alternative actions,
8 on adjacent areas, on mutual social and economic interests, and
9 on the local governmental structure of the county.

10 (d) The conformity of both the proposal and its anticipated
11 effects with both the adopted commission policies on providing
12 planned, orderly, efficient patterns of urban development, and the
13 policies and priorities set forth in Section 56377.

14 (e) The effect of the proposal on maintaining the physical and
15 economic integrity of agricultural lands, as defined by Section
16 56016.

17 (f) The definiteness and certainty of the boundaries of the
18 territory, the nonconformance of proposed boundaries with lines
19 of assessment or ownership, the creation of islands or corridors
20 of unincorporated territory, and other similar matters affecting
21 the proposed boundaries.

22 (g) Consistency with city or county general and specific plans.

23 (h) The sphere of influence of any local agency which may be
24 applicable to the proposal being reviewed.

25 (i) The comments of any affected local agency *or other public*
26 *agency*.

27 (j) The ability of the newly formed or receiving entity to
28 provide the services which are the subject of the application to
29 the area, including the sufficiency of revenues for those services
30 following the proposed boundary change.

31 (k) Timely availability of water supplies adequate for
32 projected needs as specified in Section 65352.5.

33 (l) The extent to which the proposal will affect a city or cities
34 and the county in achieving their respective fair shares of the
35 regional housing needs as determined by the appropriate council
36 of governments consistent with Article 10.6 (commencing with
37 Section 65580) of Chapter 3 of Division 1 of Title 7.

38 (m) Any information or comments from the landowner or
39 owners.

40 (n) Any information relating to existing land use designations.

1 *SEC. 3. No reimbursement is required by this act pursuant to*
2 *Section 6 of Article XIII B of the California Constitution because*
3 *a local agency or school district has the authority to levy service*
4 *charges, fees, or assessments sufficient to pay for the program or*
5 *level of service mandated by this act, within the meaning of*
6 *Section 17556 of the Government Code.*

7 ~~SECTION 1. Section 56131.8 is added to the Government~~
8 ~~Code, to read:~~

9 ~~56131.8. Upon the filing of an application for a change of~~
10 ~~organization or reorganization of a city or special district that~~
11 ~~provides or would provide structural fire protection services~~
12 ~~where the affected territory is a state responsibility area, as~~
13 ~~determined pursuant to Article 3 (commencing with Section~~
14 ~~4125) of Chapter 1 of Part 2 of Division 4 of the Public~~
15 ~~Resources Code, the executive officer shall notify the State~~
16 ~~Board of Forestry and Fire Protection. The board shall have 60~~
17 ~~days from the date of receipt of notification by the executive~~
18 ~~officer to comment on the proposal. In making its decision, the~~
19 ~~commission shall consider all comments received from the board.~~

20 ~~SEC. 2. If the Commission on State Mandates determines that~~
21 ~~this act contains costs mandated by the state, reimbursement to~~
22 ~~local agencies and school districts for those costs shall be made~~
23 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
24 ~~4 of Title 2 of the Government Code.~~